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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,559	08/30/2001	Jean-Claude Dubois	28944/37716	1829
4743	7590	06/07/2004	EXAMINER	
MARSHALL, GERSTEIN & BORUN LLP 6300 SEARS TOWER 233 S. WACKER DRIVE CHICAGO, IL 60606			HUBER, PAUL W	
ART UNIT		PAPER NUMBER		12
2653				
DATE MAILED: 06/07/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/945,559	DUBOIS ET AL.
	Examiner	Art Unit
	Paul Huber	2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1,8-14 and 18-21 is/are rejected.
- 7) Claim(s) 2-7 and 15-17 is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4, 9, 11.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

Art Unit: 2653

The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1, 8-14, and 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLaughlin et al (WO 98/41979) considered with Van et al (USP-5,175,079).

McLaughlin et al discloses a secure, optically readable data medium 50, for example in reference to figures 2-5B, comprising: a data carrying zone that is readable by a read light beam 25, and at least a portion that is photosensitive, being provided with a photosensitive material 60 and exposed to the read light beam 25. See another embodiment in reference to figures 6A-7B. "Unique to the present embodiments of the invention, though, is the inclusion of a film of reactive compound 60 that is superimposed over at least some of data structures 58. This reactive compound 60 is selected to be of a type which is operative to change physical characteristics in response to a selected stimulus, and thereby to affect readability of the information by interrogating beam 25" (page 19, lines 28-34).

McLaughlin discloses the invention as claimed, but fails to specifically teach that the active compound contained in the photosensitive material is taken from the diarylethene family. Van et al discloses an optical memory device including a recording film that is photosensitive and is provided with a photosensitive material containing an

active compound taken from the diarylethene family, in the same field of endeavor, for the purpose of selectively modifying an optical property of the photosensitive material thereby recording information in the recording film.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify McLaughlin et al such that the active compound contained in the photosensitive material is taken from the diarylethene family as taught by Van et al.. A practitioner in the art would have been motivated to do this for the purpose of producing a photosensitive material "film of the diarylethene-type photochromic compound ... [which] can be formed from a dispersion in easy process and shows stable and reversible photochromic stability over a long term" (col. 1, lines 56-60, in Van et al.).

Regarding claim 11, the data medium includes a transparent matrix 152 having a data-carrying face on which the photosensitive material 160 is deposited in the form of a fine layer. The layer of photosensitive material 160 and the data-carrying face of the matrix 152 being covered in a reflecting layer of metallization 156. See figures 6A-7B.

Regarding claim 12, in reference to figures 2-5B, McLaughlin teaches that the photosensitive material 60 is deposited as a thin uniform layer, which according to the teachings of Van et al should be of a preferably effective thickness of 1 to 20 μm . See col. 3, lines 19-20.

Regarding claims 13 & 14, Van et al teaches that the photosensitive material can comprise a solid transparent polymer having the active compound of the photosensitive material mixed therein. See col. 1, lines 13-26 and col. 4, lines 7-18.

Regarding claim 18, see figures 6A-7B.

Regarding claim 21, see figures 10A-10C, specifically figure 10B, step 1052. See also, claims 29, 38, & 46 in McLaughlin et al..

Claims 2-7 and 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication should be directed to Paul Huber at telephone number 703-308-1549.



Paul Huber
Primary Examiner
Art Unit 2653